

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

ELLE NGUYEN, *et al.*,

CASE NO. 2:24-cv-01990-RSL

**Plaintiffs,**

V.

# MERCER ISLAND BOYS BASKETBALL BOOSTER CLUB.

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

**Defendant.**

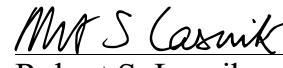
This matter comes before the Court on “Plaintiffs’ Affidavit for Appointment of Counsel.” Dkt. # 26.

Generally, a person has no right to counsel in civil actions. See *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). However, a court may under “exceptional circumstances” appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1). *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional circumstances” exist, a court must consider “the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these considerations is dispositive and instead must be viewed together. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

1     *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). In addition, the party seeking  
2 appointment of counsel must show indigency. 29 U.S.C. § 1915(e)(1).

3             Accepting plaintiffs' financial disclosure, which shows \$1683 in annual income and  
4 \$4775 in monthly expenses, as true, the narrow defamation claim asserted in this litigation  
5 is not factually or legally complex. Ms. Nguyen has served discovery regarding the claim  
6 and appears to be capable of pursuing this litigation pro se. Plaintiffs have not shown the  
7 sort of exceptional circumstances that justify appointment of counsel at the public's  
8 expense. Dkt. # 26 is, therefore, DENIED.

11             Dated this 24<sup>th</sup> day of March, 2025.

13               
14             Robert S. Lasnik  
15             United States District Judge